HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.28296 of 2007

December 31, 2007

Between:
Andhe Posalu … Petitioner

And

1. The Special Deputy Collector (TW)
   Bhadrachalam, Khammam District
   and 3 others. … Respondents

* * *

ORDER:

In this writ petition the petitioner questions the inaction of the appellate authority in not considering his stay application and the appeal filed against the order of eviction passed by the Primary Authority under the provisions of Andhra Pradesh Schedules Areas Land Transfer Regulation 1 of 1959.

2. The petitioner claims ownership and possession on 20 guntas of land covered by survey No.138/3, situated at Mallaram village, Samithisingaram Gram Panchayat, Manuguru Mandal, Khammam District. It is stated that petitioner has erected rice mill in the above said land and doing business. The Special Deputy Colector (TW), Bhadrachalam, passed an order of eviction against one K. Narayana Reddy by recording a finding that the transfer of immovable property belonging to the Scheduled Tribe to the non-tribal is in violation of the provisions of Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 as amended by Regulation 1 of 1970.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Social Welfare appearing for the

respondents.

4. It is the case of the petitioner that he has not transferred the said land. The petitioner himself is in possession and there is no violation of the provisions of the Regulations.

5. As against the orders of eviction dated 20th October 2007 passed in LTR Case No.314/2007/MGR the petitioner has filed an appeal before the appellate authority i.e., second respondent-Additional Agent to the Government, on 01.12.2007. It is the grievance of the petitioner that the appellate authority is not passing orders either on the stay petition or on the appeal itself and on the other hand respondents are taking steps for eviction. It is his case though eviction is ordered against 4th respondent, under the guise of impugned order of eviction steps are being taken to dispossess the petitioner.

6. Under the provisions of Regulation 1 of 1959 and its amendments by way of Regulation 1 of 1970 there is remedy of appeal to the Agent to Government. The petitioner has already filed an appeal against the order of eviction dated 20.10.2007 in L.T.R. Case No.314/3007/MGR and it is stated to be pending consideration.

7. In view of the allegation of the petitioner that there is no transfer at all and in view of the pendency of the appeal, I dispose of the writ petition directing the second respondent-appellate authority to dispose of the appeal itself as expeditiously as possible. There shall be further direction to the respondents not to evict the petitioner from the schedule land covered by the order dated 20.10.2007 passed in L.T.R. Case No.314/2007/MGR by the Special Deputy Collector (TW), Bhadrachalam, Khammam District.

8. Subject to the above directions, the writ petition is disposed of. No costs.

(R. SUBHASH REDDY, J)

Date: December 31, 2007.

Note:

Issue CC by two days.

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BSB